

2013

Presented by the Indiana Judicial Center

Annual Meeting
Judicial Conference of Indiana
September 18, 19 & 20

SUPREME COURT

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2013 Annual Meeting of the Judicial Conference of Indiana

Dear Colleagues:

The 2013 Annual Meeting of the Judicial Conference of Indiana is fast approaching. This year's meeting will be held on September 18-20 in Fort Wayne. As always, attending the Annual Meeting enables Indiana judges and magistrates to keep up to date on Indiana law, to learn new information, to enhance skills, and perhaps most valuable—to interact with our judicial colleagues from across Indiana. Indiana's Annual Meeting is one of the premier judicial education programs in the country.

Your Judicial Conference Education Committee and the staff of the Judicial Center have assembled another superb collection of quality and diverse offerings for this year's Annual Meeting, as you can see from the accompanying registration materials. In addition, I encourage spouses to attend, if they wish. Further information on activities for judicial families can be found in the registration materials.

While your presence at the conference is fully warranted by the great content and professional administration, you may also recall that attendance by all Indiana judges and magistrates is statutorily required (Ind. Code §§ 33-38-9-5, 9-7).

One final note – this year's schedule has been updated. We have moved the opening plenary session to Wednesday morning at 10:00 A.M. Please plan to arrive early on Wednesday so we can begin the conference together.

I look forward to seeing you all in September.

Sincerely,

Brent E. Dickson

Conference Agenda

Wednesday, September 18

8:00 A.M.

REGISTRATION & LIGHT BREAKFAST

10:00 – 11:30 A.M.

ANNUAL MEETING CONVENES – OPENING SESSION

- Welcome to Fort Wayne by Fort Wayne Mayor Tom Henry
- Opening Remarks by Brent Dickson, Chief Justice, Indiana Supreme Court
- Keynote Presentation: Governor Mike Pence
- Voices of Unity Youth Choir, Unity Performing Arts Foundation, Fort Wayne

11:30 A.M. – 12:45 P.M.

IJA BOARD OF MANAGERS LUNCH/MEETING

11:30 A.M. – 12:45 P.M.

LUNCH

1:00 – 2:30 P.M.

PLENARY SESSION – The Neuroscience of Judicial Decision Making, Part I: Defining the Challenges

In this interactive session participants will explore emerging research in neuroscience showing how we engage in reason and react to one another in Court. Brain imaging and decision-making studies will be used to explain how we determine veracity, intelligence, threat, and competence in a diverse society. The course will pinpoint the areas where discretion is utilized by judges and where cases can be affected by unconscious processes and subtleties. Concepts such as the halo effect, the mygdala response, and neuro-psychological and sociological effects will be discussed and connected to trial court decision-making. *Kimberly Papillion, Judicial Professor, Lecturer on Neuroscience, Decision Making, and the Law.* (Session qualifies for 1.5 hours of ethics. Spouses/guests welcome to attend, space permitting.)

3:00 – 4:30 P.M.

CONCURRENT SESSIONS

• Criminal Law Update

As always, this ever-popular session is designed to keep you comprehensively up to date on criminal law. The presentation will begin with a brief overview of Senate Enrolled Act 1006. Faculty will then discuss appellate cases decided since September 2012 on pretrial issues, evidentiary issues, search and seizure, and sentencing. *Rebecca McClure, Boone Superior Court #2.* (This session will be repeated Thursday morning at 9:15 A.M.)

• Grey Matters: Aging Lawyers, Cognitive Impairment, and the Attorney Surrogate Rule

It happens every day and is increasing with the aging of the legal population. Lawyers who were once sharp as a tack and never missed a step begin to stumble through simple thoughts, can't find the right words, and begin to mentally wander. What do you do when a lawyer begins to exhibit signs of cognitive impairment? By the end of this session, judicial officers will be better able to differentiate between being a little absent-minded and exhibiting cognitive impairment; recognize signs that a lawyer may be experiencing cognitive impairment; and identify resources available to help, including referrals to JLAP or appointment of an attorney surrogate. *Terry Harrell, Executive Director of the Indiana Judges and Lawyers Assistance Program; Stephen Heimann, Bartholomew*

Circuit Court; Loretta Oleksy, Clinical Case Manager, Indiana Judges and Lawyers Assistance Program; Marianne Vorhees, Delaware Circuit Court #1. (Session qualifies for 1.5 hours of ethics.)

• Real Property Valuation: Divorce, Guardianship, and Elder Cases

The home is a significant emotional and financial asset, often with significant debt as well as equity issues. Like litigants who are increasingly unrepresented in divorce cases, many guardians, as family members, frequently lack legal counsel and are further disadvantaged by little or no accounting experience or housing-related financial literacy. This program will introduce tools and resources for judicial fact finding and provide self-help guidance regarding real property due process with a goal toward advancing real property due process without impairing judicial impartiality or adding to judicial responsibility. Faculty will identify (mostly free) public and industry real estate-related resources to promote informed decision making by trial courts as well as homeowners, unrepresented litigants, and surrogates. *Kelly Lise Murray, J.D., Director-Continuing Professional Education, Vanderbilt Law School.*

• The Neuroscience of Judicial Decision Making, Part II: The Solutions

In this highly interactive session, the theories discussed in Part I will be put into practice right in the classroom. The session will include exercises, tools, and specific strategies based on validated research for increasing impartiality in decision making. Research in neuroscience and psychology will be used to show how unconscious processes can be changed. The participants will explore new methods for reaching the goal of impartial decision making in the courts. The session will identify ways to increase fairness guided by science. *Kimberly Papillion, Judicial Professor, Lecturer on Neuroscience, Decision Making, and the Law.* (Session qualifies for 1.5 hours of ethics. Spouses/guests welcome to attend, space permitting.)

4:30 P.M.

ADJOURN

4:45 P.M.

Meetings

- Magistrates and Commissioners
- Senior Judges

Judicial Officer Benefit Information

On Wednesday and Thursday, staff from the Division of State Court Administration along with representatives from State benefit providers and retirement plan administrators will be available to answer questions about judicial officer benefits.

JTAC Internet Café and Demo Room

Visit the Internet Café and Demo Room from Wednesday – Friday to meet with members of the JTAC staff to learn more about various technology initiatives and even TEST DRIVE software applications, including the Protection Order Registry, e-Citation application, and others! In addition, use the computers in the Internet Café to go online and check e-mail, read the news, and print materials.

6:00 P.M.

CASUAL DINNER

(Entertainment will be provided by Dan Heath with the Paradise Band.)

Thursday, September 19

6:30 A.M.

Run or Walk Your Way to Feeling Good About Your Day

Start your day out right with an early morning run or walk. It will give a boost to your entire day! With the assistance of the Indiana State Bar Association Wellness Committee, we have mapped a route for runners and walkers through downtown Fort Wayne. Join *Judge Tom Felts, Allen Circuit Court*, for an early morning run or *Eric Chickedantz, Hawk Haynie Kammeyer & Chickedantz*, for a brisk walk.

7:30 – 9:00 A.M.

LIGHT BREAKFAST

8:00 – 9:00 A.M.

EARLY BIRD CONCURRENT SESSIONS

• Pioneer Justice

Although Indiana's 1816 Constitution forbade slavery and involuntary servitude, both continued despite two landmark Indiana Supreme Court rulings in 1820 and 1821. At the same time that anti-black sentiment seemed to be growing in the State, several little-known cases involving African Americans were working their way through the local courts. Some of the cases originated before statehood, and several were settled in favor of African-American plaintiffs. The presentation will focus on a few of these early cases. *Maria Granger, Floyd Superior Court #3*. (Spouses/guests welcome to attend, space permitting.)

• Pro Se Problems? Volunteer Pro Bono Solutions!

This session will involve panel and small group discussions about *pro se* litigants and the efforts to promote volunteer *pro bono* representation. Hear Some Solutions from our experts about existing and future ways to obtain representation for indigent litigants in your courtrooms. Speak Your Mind about how you and other judges are affected by the increase in *pro se* litigants and ways that judges can encourage increased *pro bono* representation in our courtrooms. *David Avery, Allen Superior Court (Civil)*; *Martha Blood Wentworth, Indiana Tax Court*. (Session qualifies for 1.0 hour of ethics.)

• Sentencing Issues Round Table

Ever wonder how the sentence you give an offender compares to a colleague's sentence? Come to this session and find out by joining our sentencing round-table. Using case scenarios, participants will discuss and determine an appropriate sentence for a given offender. *Frances Gull, Allen Superior Court (Criminal)*; *Mark Smith, Hendricks Superior Court #4*.

• Tax Considerations in the 2013 Divorce Case

This presentation will cover tax issues commonly overlooked in dissolution of marriage cases, including tax changes brought about by The American Taxpayer Relief Act of 2012. Faculty will present strategic financial planning ideas for an efficient division of the marital estate. *Dave Hajek, J.D., CDEA, Holistic Wealth Advisors of Raymond James*; *Mark Hildebrand, CFP, CDEA, Financial Advisor, Holistic Wealth Advisors of Raymond James*.

9:15 – 10:45 A.M.

CONCURRENT SESSIONS

• Civil Law Update

You've seen the Criminal Law Update sessions – now it's time for a Civil Law Update! This session will focus on two main areas: civil procedure and business law. Faculty will discuss the past year's developments in civil trial procedure and recent amendments to the Indiana Rules of Trial Procedure. The session will also include recent developments in contracts and business law. *Daniel Burke, Hoover Hull LLP*; *Judith Stewart, Brown Circuit Court*.

• Judicial Campaigns: Avoiding Disciplinary Complaints and Getting Re-elected

Panelists from the Ethics and Professionalism Committee will briefly explore potential pitfalls of modern judicial campaigns including how social media and campaign advertising intersect the Code of Judicial Conduct. *Timothy Oakes, Marion Superior Court, Civil Div. 13*; *John Potter, Jasper Circuit Court*; *Michael Robbins, Lawrence Superior Court #1*; *Heather Welch, Marion Superior Court, Civil Div. 12*. (Session qualifies for 1.5 hours of ethics. Spouses/guests welcome to attend, space permitting.)

• Legal & Evidence-Based Pretrial Practices

Where does Indiana fit in the third generation of American bail reform? Like previous generations of bail reform, the third generation has been marked by significant research and consensus on the need for improvements. Meaningful changes in state laws to implement legal and evidence-based pretrial practices are causing distress to jurisdictions that have become accustomed to the traditional money bail system. This presentation will examine the causes of the current generation of bail reform, the research behind it, the evidence of a national consensus, and Indiana's place on the spectrum of pretrial justice needs. In addition, the experience of Grant County as one of seven American seed sites for the National Institute of Corrections' Evidence-Based Decision Making Initiative will be highlighted. *Timothy Schnacke, Executive Director, Center for Legal and Evidence-Based Practices, Colorado*; *Mark Spitzer, Grant Circuit Court*.

• What I Know Now That I Wish I Knew Then: A Judges' Guide To The Adoption Assistance Program

The Adoption Assistance Program ("AAP") in Indiana is intended to provide financial aid to parents adopting children in our foster care system. What do judges need to know about AAP? Can it help families of children with special needs? What can they do to help these adoptive families succeed? Join *Mary Beth Bonaventura, Director, Department of Child Services* and former juvenile court judge in Lake County, and her team of experts for this informative session.

11:00 A.M. – 12:30 P.M.

CONCURRENT SESSIONS

• Criminal Law Update

As always, this ever-popular session is designed to keep you comprehensively up to date on criminal law. The presentation will begin with a brief overview of Senate Enrolled Act 1006. Faculty will then discuss appellate cases decided since September 2012 on pretrial issues, evidentiary issues, search and seizure, and sentencing. *Rebecca McClure, Boone Superior Court #2*. (Repeat session.)

• Ethics Across the Nation: The Year in Review

This session examines judicial discipline decisions over the past year in the other 49 states, focusing on cases that created new law in the field of judicial ethics and cases that garnered significant public attention or were otherwise noteworthy. *James Bell, Bingham McHale, Indianapolis*; *Adrienne Meiring, Counsel, Judicial Qualifications Commission*. (Session qualifies for 1.5 hours of ethics. Spouses/guests welcome to attend, space permitting.)

• Family Law Update

This session will recap important decisions from the past year in the family law areas of dissolution, property division, child custody, child support, and parenting time. *Andrew Sosnick, Faegre Baker Daniels, Indianapolis*. (This session will be repeated at 2:00 P.M.)

• Understanding the Tools in Your Sentencing Toolbox – Beginning Principles

This session will present the basic principles of evidence-based sentencing that have been distilled from the most recent research on what works to reduce recidivism among criminal offenders. The session acknowledges that sentencing decisions must balance punishment, community safety, and rehabilitation and discusses the

Thursday, September 19 (Continued)

research in the context of the sentencing and probation oversight responsibilities of trial court judges. If you have limited exposure to evidence-based sentencing principles and terminology, this introductory session is for you. *Roger Warren, President Emeritus, National Center for State Courts.*

12:30 – 1:45 P.M.

LUNCH

79th Annual Meeting of the Indiana Judges Association

2:00 – 3:30 P.M.

CONCURRENT SESSIONS

• Eyewitness Credibility Porn: Do You Know It When You See It? (Part I)

This two-part session will present an overview of eyewitness identification, beginning with the historical eyewitness accounts of the assassinations of President Lincoln and President Kennedy, and continuing through the modern lessons learned through scientific research and recent decisional law. Faculty will discuss what resources to consult when presiding over a case involving eyewitness testimony, resources that underpin today's awareness of the strengths and vagaries of the credibility of eyewitness testimony. Part I will focus on historical lessons and misconceptions and Part II will conclude with current applications. Faculty will use both visual demonstrations and the responder system. (Part II will be held Friday morning at 8:30 – 10:00 A.M.) *Mary Willis, Henry Circuit Court No. 1; Bob Witham, Henry Circuit Court No. 3.* (Spouses/guests welcome to attend, space permitting.)

• Family Law Update

This session will recap important decisions from the past year in the family law areas of dissolution, property division, child custody, child support, and parenting time. *Andrew Sosnick, Faegre Baker Daniels, Indianapolis.* (Repeat session.)

• iPhone, iPad, and I Judge

Many judicial officers now use iPhones and iPads, both for their court duties and for their personal enjoyment. Bring your iDevices to this informative session and join *Judge Paul Mathias of the Court of Appeals* for a quick tour through the settings you didn't know about, some tips and tricks, and some of the best apps for productivity. (Non-legal subject matter credit only. Spouses/guests welcome to attend, space permitting.)

• New Rules and Rule Amendments

Keep up to date with this informative session. Faculty will discuss new court rules and rule amendments adopted by the Indiana Supreme Court. *Tom Carusillo, Director of Trial Court Services, Division of State Court Administration; Jessie Cook, Chair, Indiana Supreme Court Committee on Rules of Practice and Procedure; and Lilia Judson, Executive Director, Division of State Court Administration.* (This session will adjourn at 3:00 P.M.)

• Using the Tools in Your Sentencing Toolbox – Advanced Application

This session builds upon the earlier session and will be of interest to judges with a solid foundation in evidence-based sentencing principles. Attendees will discuss applicable laws, sentencing parameters, best practices, and outcomes in criminal justice situations as they apply evidence-based sentencing principles to hypothetical sentencing, probation violation, and probation revocation scenarios. If you would like to inform your sentencing decisions based on evidence-based practices, this application-based session is for you. *Roger Warren, President Emeritus, National Center for State Courts.*

3:30 P.M.

ADJOURN

4:00 P.M.

Meeting: Judicial Conference of Indiana Board of Directors

5:30 P.M.

Reception - Allen County Courthouse

The historic Allen County Courthouse is the venue for a reception hosted by the Allen County Bar Association and sponsored by local law firms. Enjoy light hors d'oeuvres, the splendor of the Courthouse, and opportunities to interact in a magnificent social setting.



— Thursday dinner on your own. —

Dinning guides to Fort Wayne restaurants will be available.

Friday, September 20

6:45 – 7:30 A.M.

Yoga for Every Body

Rise and shine with some gentle yoga stretches that will target the stiffness to our bodies that stems from sitting for long periods of time on the bench. Please wear loose clothing and bring a towel or a yoga mat. *Anne Jordan, Registered Yoga Teacher.* (Spouses/guests welcome to attend, space permitting.)

7:00 – 8:30 A.M.

LIGHT BREAKFAST

8:30 – 10:00 A.M.

CONCURRENT SESSIONS

● A Case Study of Challenge to Judicial Independence

An attack on the independence of the judicial branch in Phoenix, Arizona ultimately led to the disbarment of the Maricopa County Attorney, Andrew Thomas, in April, 2012. Hear the story of how a major metropolitan judiciary was intimidated and victimized by the abandonment of the rule of law. A multimedia presentation of this nationally recognized case of lawyer misconduct will shock your conscience. *Michael Witte, Executive Secretary of the Indiana Disciplinary Commission.* (Session qualifies for 1.5 hours of ethics. Spouses/guests welcome to attend, space permitting.)

● Expungement of Criminal Records: H.E.A. 1482

The new expungement statutes establish remedies with varying procedures and varied relief. To help judicial officers with the new laws, a panel of judges and court agency staff will assess the history of the new statutes and discuss the issues they raise. Some of the items the panel will consider are: differences in the petitions to be filed and orders to be issued, quantum of proof questions, required practices for sealing records or marking them expunged, monitoring the one year “window” for felony expungement actions, and unsealing expungements when new offenses are committed. *Faculty to be announced.*

● Eyewitness Credibility Porn: Do You Know It When You See It? (Part II)

This two-part session will present an overview of eyewitness identification, beginning with the historical eyewitness accounts of the assassinations of President Lincoln and President Kennedy, and continuing through the modern lessons learned through scientific research and recent decisional law. Faculty will discuss what resources to consult when presiding over a case involving eyewitness testimony, resources that underpin today’s awareness of the strengths and vagaries of the credibility of eyewitness testimony. Part I will focus on historical lessons and misconceptions and Part II will conclude with current applications. Faculty will use both visual demonstrations and the responder system. *Mary Willis, Henry Circuit Court No. 1; Bob Witham, Henry Circuit Court No. 3.* (Spouses/guests welcome to attend, space permitting.)

10:30 – 11:45 A.M.

CLOSING PLENARY SESSION

- Indiana Judicial College Certificates
- Committee Service Recognition
- Faculty Service Recognition
- Guest Speaker: The Rev. Dr. Bill McGill, Executive Pastor, One Church-One Offender, Inc.

11:45 A.M.

CONFERENCE ADJOURNS



Indiana Judicial Center

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MARK YOUR CALENDARS!

Senior Judge Program

Managing General Jurisdiction Cases
(Limited to 50 senior judges.)
October 29, 2013 – Indianapolis

Domestic Relations Seminar

November 14, 2013 – Indianapolis

The Future of the Courts & Legal Profession A Statewide Bench-Bar Symposium

December 4, 2013 – Indianapolis

2014 Programs

Spring Regional Workshops

The same four concurrent programs will be offered at each of the three Spring Regional Workshops.
[The Spring Regional Workshops are being held in lieu of the 3-day Spring Judicial College Program.]
April 22, 2014 – French Lick
April 25, 2014 – Merrillville (Repeat)
April 29, 2014 – Indianapolis (Repeat)

Recent Legislation Seminar

May 30, 2014 – Indianapolis

Annual Meeting of Juvenile Court Judicial Officers

June 12-13, 2014 – Carmel, IN

Summer Workshop

HEA 1006 & the Criminal Code Revision
July 11, 2014 – Indianapolis

Summer Workshop

Search and Seizure Program
July 18, 2014 – Indianapolis

Summer Workshop

Family Violence Program
August 15, 2014 – Indianapolis

Summer Workshop

Law & Literature Program and Legal Writing Program
August 22, 2014 – Indianapolis

Annual Meeting of the Judicial Conference of Indiana

September 10-12, 2014 – French Lick, Indiana

2013 Judicial Conference

Spouse & Guest Information

Things to Do in Fort Wayne

A botanical conservatory, a genealogy center at the public library, a historic fort and historic courthouse, a children's zoo, and an art museum listed on Indiana's Glass Trail are among the many attractions awaiting your visit to Fort Wayne this September. We invite you to visit www.visitfortwayne.com to find out all there is to see and do in Fort Wayne.

Education Sessions & Conference Events of Interest to Spouses/Guests

In addition to the attractions and activities available in the City of Fort Wayne, spouses and guests are welcome to attend a few of the Annual Meeting education sessions, space permitting.* A list of those sessions is noted below.

Wednesday, September 18

10:00-11:30 A.M. Opening Session

1:00 – 2:00 P.M.

PLENARY SESSION – The Neuroscience of Judicial Decision Making, Part I: Defining the Challenges

3:00 – 4:30 P.M.

The Neuroscience of Judicial Decision Making, Part II: The Solutions

Thursday, September 19

6:30 A.M. Run or Walk Your Way to Feeling Good About Your Day

8:00 – 9:00 A.M.

Pioneer Justice

9:15 – 10:45 A.M.

Judicial Campaigns: Avoiding Disciplinary Complaints and Getting Re-elected

11:00 A.M. – 12:30 P.M.

Ethics Across the Nation: The Year in Review

2:00 – 3:30 P.M.

- Eyewitness Credibility Porn: Do You Know It When You See It? (Part I)
- iPhone, iPad, and I Judge

Friday, September 20

6:45-7:30 A.M.

Yoga for Every Body

8:30 – 10:00 A.M.

- A Case Study of Challenge to Judicial Independence
- Eyewitness Credibility Porn: Do You Know It When You See It? (Part II)

10:30 – 11:45 A.M. Closing Session

*Spouses and guests may attend sessions that are designated "spouse/guest welcome," space permitting. Spouses and guests may claim CLE credit for those designated spouse/guest sessions by reporting their own attendance hours directly to the Indiana Commission for Continuing Legal Education. The Indiana Judicial Center will not report attendance hours for anyone other than judicial officers, faculty, and Supreme Court agency attorneys.

Judicial Education Requirements

Continuing Judicial Education

- Mandated by Admission and Discipline Rule 28.
- For state level judicial officers: at least 15 hours per year with no fewer than 54 hours per 3-year reporting period. At least 5 hours of professional responsibility credit per 3-year period; no more than 18 hours of the 54-hour requirement may be non-legal subject matter credit; and no more than 9 hours may be filled through approved interactive distance education. "State level judicial officer" means a sitting Justice of the Indiana Supreme Court; Judge of the Indiana Court of Appeals or Tax Court; trial judge; magistrate; and full-time court commissioner/referee who does not practice law.
- For senior judges: at least 6 hours per year with no fewer than 36 hours per 3-year reporting period. At least 3 hours of professional responsibility credit per 3-year period; no more than 12 hours of the 36-hour requirement may be non-legal subject matter credit; and no more than 6 hours may be filled through approved interactive distance education.
- Any course approved for continuing legal education by the Indiana Commission for Continuing Legal Education is also approved for continuing judicial education credit. Hours may be obtained from any approved program provider, including the Indiana Judicial Center.

Indiana Judicial College

This Program is offered by the Indiana Judicial Center to all Indiana Supreme Court, Court of Appeals, Tax Court, Circuit, and Superior level judicial officers.

- Attend 120 hours of designated "Judicial College credit" hours offered by the Judicial Center.
- All judicial officers are automatically eligible, but Judicial College credits must be claimed on the forms provided by the Judicial Center (Judicial College credit forms ARE NOT the same as the CLE certification forms).
- To receive credit for class attendance, you must attend the entire session or program; partial credit will not be awarded.

Indiana Judicial College Master's Certificate Program

After graduating from the Indiana Judicial College, current Indiana judicial officers are eligible to participate in the Master's Certificate Program.

- A Notice of Participation form must be submitted to the Indiana Judicial Center.
- Attend 120 hours of Masters Judicial College courses or sessions.
- Complete the Indiana Graduate Program for Judges before or during participation in the Master's Program.
- Submit an original writing or other "special" project, as approved by the Judicial Education Committee. The writing/special project component must be "substantial, of benefit to the judiciary, and suitable for publication."
- Master's Judicial College credits must be claimed on forms provided by the Judicial Center. (These forms are not the same as CLE certification forms.)
- To receive credit for class attendance, you must attend the entire session or program; partial credit will not be awarded.